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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/074,288 05/07/98 POKORZYNSKI

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EXAMINER

JOHNSON, J

ART UNIT

PAPER NUMBER

1764

19

DATE MAILED:

05/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/074,288	Applicant(s) POKORZYNSKI ET AL.	
	Examiner Jerry D. Johnson	Art Unit 1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-33 is/are pending in the application.
- 4a) Of the above claim(s) 11-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

Art Unit: 1764

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rohrlach et al.

Rohrlach et al, U.S. Patent 5,082,609, teach a method of production of a moulded panel, wherein a rigid substrate supports a finished panel surface, and for example is particularly applicable to, but not limited to, a door inner panel for a motor vehicle (column 1, lines 4-8). The production of a panel having a finish face, a substrate and a lamina of moulded polyurethane between the two is formed in a single closable die having two portions, the first stage of the operation being to spray an aliphatic polyurethane coloured film onto a release agent of one die portion, and spray an elastomer polyurethane over that film and allow to at least partially set, lay a sheet of reinforcing fibres which can for example be a continuous filament glass fibre over the liquid ingredients of a rigid foam polyurethane over the reinforcing fibres, close the mould, and remove the product after setting. Alternative materials such as fabric, carpet, or alternative facing film material may be applied subsequently in lieu of, or as well as, the aliphatic polyurethane (column 1, lines 37-55).

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeuchi et al.

Takeuchi et al, U.S. Patent 5,180,617, teach a vehicle interior finishing panel so constructed that a foam base material into which a mat-shaped fiber reinforcing material is inserted is integrally molded on the back side of a facing material (column 2, lines 12-22). In one embodiment, the facing material is set in the lower mold element with its front side down. Next, the impregnated sheet material is set on the backside portion of the facing material. Then fiber reinforcing material is set on the facing material and the impregnated sheet material. Thereafter the molding material such as hard urethane foam is fed on the fiber reinforcing material and the upper mold element closed, and the mold is heated to foam the molding material to mold it into a given shape (column 5, lines 4-22). See Figure 7. The fiber reinforcing material is made of glass fiber or the like (column 2, lines 25-31). The porous sheet material is composed of fiber glass, synthetic fiber or other porous foam materials and has permeability (column 3, lines 41-43). In another embodiment, the facing material is set in the lower mold element with its front side down. Next the fiber reinforcing material is set on the facing material. Thereafter, the molding material such as hard urethane foam is fed onto the fiber reinforcing material, then the upper mold element is closed, and the mold is heated to foam the molding material (column 6, lines 1-11). See Figure 11.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-4 and 6-10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably

Art Unit: 1764

convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification fails to teach the now claimed limitation wherein the upholstery skin material "being substantially coextensive" with the substrate.

Applicant's arguments filed March 5, 2001 have been fully considered but they are not persuasive.

Applicants argue

U.S. Patent No. 5,180,617 discloses an interior trim member having an upholstery skin material layer 5, a molded foam material 3 bonded to the skin 5, and a fibrous reinforcement 1 embedded within the molded foam material 3. The '617 patent does not teach or suggest a molded foam material extending between an upholstery skin and a substrate.

Applicants' argument lacks merit.

Applicants' claims do not exclude an interior trim member wherein the fibrous reinforcement (i.e., substrate) is embedded within the molded foam as taught by Takeuchi et al, i.e., the trim member of Takeuchi et al has a molded foam material extending between the upholstery skin and the fibrous reinforcement material.

Applicants argue

the claimed invention is believed to distinguish over U.S. Patent No. 5,082,609, which does not teach or suggest the claimed combination in which an upholstery skin material is bonded to a substrate by a molded foam material extending between the upholstery skin material and the substrate. More specifically, film 13 is an aliphatic polyurethane applied by means of a spray gun and does not constitute an upholstery skin material.

Applicants' argument lacks merit.

Art Unit: 1764

The claimed "upholstery skin material" does not exclude the aliphatic polyurethane facing film material of Rohrlach et al. Nor is Rohrlach et al limited to a sprayed polyurethane facing film. As noted above, Rohrlach et al teach that alternative materials such as fabric, carpet, or alternative facing film material may be applied subsequently in lieu of, or as well as, the aliphatic polyurethane (column 1, lines 37-55).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

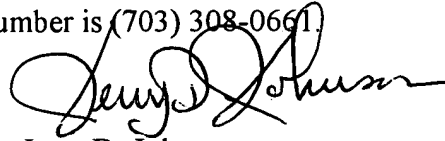
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry D. Johnson whose telephone number is (703) 308-2515. The examiner can normally be reached on 6:00-3:30, M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode can be reached on (703) 308-4311. The fax phone numbers for the

Art Unit: 1764

organization where this application or proceeding is assigned are (703) 305-5408 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Jerry D. Johnson
Primary Examiner
Art Unit 1764

JDJ
May 18, 2001